



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1323

H.P. 947

House of Representatives, April 3, 2013

An Act Regarding Wind Power Siting in the Unorganized Territory

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HAYES of Buckfield.
Cosponsored by Representative CROCKETT of Bethel and
Representatives: BRIGGS of Mexico, DUNPHY of Embden, HARLOW of Portland,
HARVELL of Farmington, LIBBY of Waterboro, MALABY of Hancock, McCABE of
Skowhegan, NEWENDYKE of Litchfield.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 35-A MRSA §3402, sub-§2, ¶A,** as enacted by PL 2007, c. 661, Pt. A,
3 §5, is repealed.

4 **Sec. 2. 38 MRSA §489-A-1, sub-§2, ¶¶C and D,** as enacted by PL 2011, c.
5 682, §33 and affected by §40, are amended to read:

6 C. The standards established in rules adopted under section 489-E to implement this
7 section are met; ~~and~~

8 D. The Maine Land Use Planning Commission has certified that the proposed
9 development meets any land use standard established by the commission and
10 applicable to the project that is not considered in the department's review under
11 subsection 1-; and

12 **Sec. 3. 38 MRSA §489-A-1, sub-§2, ¶E** is enacted to read:

13 E. With regard to a grid-scale wind energy development, the Maine Land Use
14 Planning Commission has certified that the area where the proposed development
15 will be located has been zoned for planned development.

16 **Sec. 4. Rules.** By January 1, 2014, the Maine Land Use Planning Commission
17 shall adopt a rule amending its land use districts and standards to provide that a grid-scale
18 wind energy development proposed after January 1, 2014 is an allowable use only within
19 a planned development subdistrict and adopting any necessary procedures for processing
20 rezoning applications required under this section.

21 **SUMMARY**

22 This bill provides that before the Department of Environmental Protection may
23 approve a proposal for a grid-scale wind energy development in the unorganized or
24 deorganized area of the State, the Maine Land Use Planning Commission must certify
25 that the area where the development will be located has been zoned for planned
26 development and removes a legislative finding regarding wind energy development in the
27 unorganized and deorganized areas of the State.